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Chairman: Mr. Busacca ..... (Italy)

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The meeting was called to order at 11.20 a.m.

Agenda item 112: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/52/L.69 and L.70)

Introduction of draft resolution A/C.3/52/L.69: Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

1. **Mr. Spitzer** (United States of America) introduced draft resolution A/C.3/52/L.69 on behalf of the original sponsors and Austria, Norway and Poland. The purpose of the draft resolution was to evaluate the progress made with regard to the situation of human rights in the three countries concerned and to set new goals. He was encouraged by the fact that both Bosnia and Herzegovina and Croatia had participated actively in the deliberations on the draft resolution, and had joined the sponsors. He hoped that the draft resolution would contribute to the strengthening of the human rights situation in the region and that it would be adopted by consensus.

Introduction of draft resolution A/C.3/52/L.70: Situation of human rights in Nigeria

2. **Ms. Kirsch** (Luxembourg) introduced draft resolution A/C.3/52/L.70 on behalf of the original sponsors and the Marshall Islands, drawing the Committee's attention to a number of revisions. The fifth preambular paragraph had been reworded and now read as follows:

> "*Noting* that the Commonwealth has been concerned about the continued existence of a military government and the failure to observe fundamental human rights, and has decided that Nigeria should remain suspended from the Commonwealth;".

Also, in paragraph 3 (d), the words "and to permit an observer presence during transition, as recommended by the United Nations fact-finding mission;"should be added after "decree".

3. The draft resolution was a response to the persistent grave violations of human rights in Nigeria, including the rights of trade unions and, in particular, the right to freedom of association, and the Government's failure to implement reforms of the legal system. The uncertainty concerning the fate of Chief M. K. O. Abiola, whose whereabouts remained unknown, was a cause of particular concern. The draft resolution called on the Government to comply with its obligations under the international instruments to which Nigeria was a party and to cooperate fully with the various United Nations human rights mechanisms, including the newly appointed Special Rapporteur on the situation of human rights in Nigeria.

4. Since negotiations between the Nigerian delegation and the sponsors were ongoing, the draft resolution was subject to revision. She hoped that the final version would be adopted by consensus.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/52/L.45, L.56, L.57, L.59 and L.76)

Draft resolution A/C.3/52/L.45: Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

5. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.45. He informed the Committee that the draft resolution had no programme budget implications.

6. **Mr. Spitzer** (United States of America) said that the sponsors had been joined by Albania, Bangladesh, Mauritius, the Russian Federation, Thailand and Turkmenistan.

7. **The Chairman** announced that Benin, the former Yugoslav Republic of Macedonia, New Zealand, Poland and Samoa also wished to join the sponsors of the draft resolution.

8. **Mr. Fernández Palacios** (Cuba), speaking in explanation of vote before the voting, said that the electoral mechanisms of States should be determined by their citizens in accordance with the Constitution and applicable national legislation. The draft resolution sought to subject national electoral mechanisms to norms which failed to take into account the diversity and particular circumstances of Member States. The adoption of the draft resolution would be tantamount to sanctioning interference in the internal affairs of sovereign States. For that reason, his delegation would vote against it.

9. *A recorded vote was taken.*

In favour:

> Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil,

Bulgaria, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yemen, Zambia.

Against:

None.

Abstaining:

Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Nigeria, Russian Federation, Saudi Arabia, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

10. *Draft resolution A/C.3/52/L.45 was adopted by 127 votes to 0, with 16 abstentions.* *

Draft resolution A/C.3/52/L.56: Protection of and assistance to internally displaced persons

11. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.56. He noted that the draft resolution had no programme budget implications.

12. **Mr. Wille** (Norway) said that Bosnia and Herzegovina and Tajikistan had joined the sponsors of the draft resolution.

13. **The Chairman** announced that Azerbaijan, Côte d'Ivoire, Guinea and Guinea-Bissau also wished to join the sponsors.

14. *Draft resolution A/C.3/52/L.56 was adopted.*

Draft resolution A/C.3/52/L.57: Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

15. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.57. He pointed out that the draft resolution had no programme budget implications.

16. **Mr. Fernández Palacios** (Cuba) drew the Committee's attention to the following revision: in paragraph 7, the words "giving both the rights of the individual and collective rights due attention" should be deleted.

17. He said he had hoped that the draft resolution would be adopted by consensus. He understood, however, that a recorded vote had been requested, and, in line with the transparency which had characterized the negotiations, he would like to know which delegation had made the request.

18. **The Chairman** said that the recorded vote had been requested by the United States delegation.

19. *A recorded vote was taken.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Guinea-Bissau, Haiti, India, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Samoa, Saudi Arabia, Singapore, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of

* The delegation of the Russian Federation subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia.

Against:

Iran (Islamic Republic of), Israel, United States of America.

Abstaining:

Albania, Andorra, Armenia, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

20. *Draft resolution A/C.3/52/L.57 was adopted by 89 votes to 3, with 52 abstentions.**

Draft resolution A/C.3/52/L.59: Human rights and mass exoduses

21. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.59. He noted that the draft resolution had no programme budget implications.

22. **Mr. Splinter** (Canada) said that Costa Rica, Ireland, the Russian Federation and Sweden had joined the sponsors of the draft resolution.

23. **The Chairman** announced that Bosnia and Herzegovina, Italy, Liechtenstein, the Netherlands and Turkmenistan also wished to join the sponsors.

24. *Draft resolution A/C.3/52/L.59 was adopted.*

25. **Mr. Mukhopadhaya** (India) said that, while his delegation had joined the consensus, he found it somewhat anomalous that a draft resolution on human rights and mass exoduses should contain no reference to article 14 (1) of the Universal Declaration of Human Rights, in which the right to asylum was enshrined. He recalled that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees had referred to that provision of the Declaration in the conclusion on safeguarding asylum adopted at its forty-eighth session. While the Committee would take up a number of resolutions concerning the problem of refugees, he believed that the draft resolution currently before it would have provided the best context in which to reaffirm that right.

Draft decision A/C.3/52/L.76: Award of human rights prizes in 1998

26. **The Chairman** invited the Committee to take action on draft decision A/C.3/52/L.76, which entailed no programme budget implications.

27. *Draft decision A/C.3/52/L.76 was adopted.*

Agenda item 112: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/52/L.54, L.61, L.62, L.65, L.71, L.72, L.73 and L.75)

Draft resolution A/C.3/52/L.54: Human rights in Haiti

28. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.54, which contained no programme budget implications.

29. **Ms. Duran** (Venezuela) said that Australia had joined the sponsors of draft resolution A/C.3/52/L.54.

30. **The Chairman** said that Iceland had also joined the sponsors.

31. *Draft resolution A/C.3/52/L.54 was adopted.*

32. **Mrs. Romulus** (Haiti) expressed satisfaction at the adoption of draft resolution A/C.3/52/L.54 and conveyed her delegation's appreciation to the sponsors, particularly Venezuela.

Draft resolution A/C.3/52/L.61: The situation of human rights in Kosovo

33. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.61, which contained no programme budget implications.

34. **Mr. Zmeevski** (Russian Federation) requested a recorded vote on draft resolution A/C.3/52/L.61.

35. **Ms. Kirsch** (Luxembourg), speaking in explanation of vote before the vote on behalf of the European Union, said that the Union fully supported draft resolution A/C.3/52/L.61. The situation of human rights in Kosovo continued to be worrisome and over the past year the number of human rights violations seemed to have increased. Nevertheless, the European Union had been unable to

* The delegation of the Islamic Republic of Iran subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

sponsor the draft resolution because it felt that the situation of human rights in Kosovo should be considered within the context of the draft resolution on the situation of human rights in the former Yugoslavia.

36. **Ms. Mohamed** (Yemen) said that her delegation would not take part in a vote on the situation of human rights in another State and would express its views in that regard in a plenary meeting of the General Assembly.

37. **Mr. Zmeevski** (Russian Federation) said that each year the sponsors of the draft resolution on the question under consideration stubbornly refused to consider the fact that failure to mention the territorial affiliation of part of an independent State in the title of the text was a violation of a basic principle of international law. In view of the possibility and advisability of including the provisions of draft resolution A/C.3/52/L.61 in the omnibus draft resolution on the situation of human rights in the former Yugoslavia, the insistence of the sponsors on a separate draft resolution seemed particularly incomprehensible and troubling.

38. His delegation was also concerned by the fact that draft resolution A/C.3/52/L.61 depicted the human rights problems in that part of the Federal Republic of Yugoslavia in a one-sided manner, laying all blame for the situation in Kosovo on the Belgrade authorities without attempting to analyse and evaluate actions by other parties. That approach was inconsistent with the need for the balance and impartiality that should characterize decisions adopted in the United Nations. Accordingly the Russian Federation would vote against the draft resolution.

39. *A recorded vote was taken.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Brazil, Brunei Darussalam, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

India, Israel, Russian Federation.

Abstaining:

Angola, Belarus, Bhutan, Botswana, Bulgaria, Burkina Faso, Cameroon, China, Colombia, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Eritrea, Ethiopia, Fiji, Guinea, Guinea-Bissau, Guyana, Jamaica, Kenya, Lao People's Democratic Republic, Malawi, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Panama, Peru, Philippines, Republic of Moldova, Romania, Sierra Leone, Singapore, Slovakia, Suriname, Swaziland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

40. *Draft resolution A/C.3/52/L.61 was adopted by 97 votes to 3, with 47 abstentions.*

41. **Mr. Barreto** (Peru), speaking in explanation of vote, said that his delegation had abstained because it did not consider it appropriate for the General Assembly to take a decision on the human rights situation in a region of a particular country. The question under consideration should be dealt with within the framework of the draft resolution on the situation of human rights in the former Yugoslavia.

42. **Mr. Hadjiyski** (Bulgaria) said that, although his delegation supported draft resolution A/C.3/52/L.61, it felt that the question with which it dealt should be included in the omnibus resolution on the situation of human rights in the former Yugoslavia.

43. **Mr. Mukhopadhaya** (India) said that his delegation reserved the right to make a statement on the draft resolution in a plenary meeting of the General Assembly.

44. **Mr. Xie** (China) said that his delegation had abstained in the vote on draft resolution A/C.3/52/L.61 and would explain its vote in a plenary meeting of the General Assembly.

45. **Ms. Duran** (Venezuela) said that her delegation had abstained in the vote on draft resolution A/C.3/52/L.61 because it felt that the question should be considered in a comprehensive manner within the framework of the human rights situation in the former Yugoslavia.

Draft resolution A/C.3/52/L.62: Human rights in the Sudan

46. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.62, which had no programme budget implications.

47. **Mr. Spitzer** (United States of America) said that Portugal had joined the sponsors of the draft resolution.

48. **Mr. El Karer** (Sudan), speaking in explanation of vote before the vote, said that all the allegations made against his country in draft resolution A/C.3/52/L.62 were unsubstantiated, unfair and defamatory. In an attempt to arrive at a more balanced text, the Sudan had held several rounds of negotiations with the United States of America. The refusal of that country and other sponsors to make some moderate amendments to reflect positive developments in the Sudan and their insistence on including additional allegations had left his Government with little choice.

49. During the past several years, the Sudan had relentlessly endeavoured to bring about a peaceful end to the armed conflict in the south of the country. Those efforts had recently been commended by the Organization of African Unity and had also been acknowledged by the Organization of the Islamic Conference and the League of Arab States. They had not, however, been reflected in the draft resolution.

50. The allegation of the sexual abuse of children in the eighth preambular paragraph implied the involvement of the Sudanese Government in a heinous crime, which was contrary to the ethics and beliefs of all Sudanese. The inclusion of that reference was further proof of the attempt to defame the Sudanese Government for political ends. The repeated allegations of religious persecution, slavery and discrimination against women were an insult to the Sudanese people, who are known for their tolerance and respect for human dignity. All those claims were designed to denigrate the Islamic religion and beliefs.

51. In connection with the implied charge of obstruction of relief operations in the Sudan, he drew the Committee's attention to the report of the Secretary-General on the emergency assistance to the Sudan (A/52/525), which clearly indicated a significant improvement in the programme impact of Operation Lifeline Sudan and an increase in the number of locations in government-controlled areas accessible for humanitarian assistance.

52. In spite of such politically motivated resolutions, the Sudan would continue to carry out its responsibilities in promoting and protecting the human rights of its citizens. Accordingly, his delegation requested a recorded vote on draft resolution A/C.3/52/L.62, which it totally rejected, and urged other countries to vote against it.

53. **Mr. Wissa** (Egypt) reaffirmed his Government's full commitment to ensuring respect for human rights and fundamental freedoms everywhere in the world. Nevertheless, the use of double standards and new criteria by the Commission on Human Rights and the consideration of questions not included in its mandate was unacceptable. His delegation was opposed to the placement of human rights monitors in the territory of the Sudan since the political and juridical aspects of that measure were unclear. Furthermore, that question should not be considered until after negotiations had been held with the Sudan and it had given its clear approval. In that regard, Egypt rejected any interference in the internal affairs of States and anything that might violate the territorial integrity of the Sudan. Accordingly, his delegation would abstain in the vote on draft resolution A/C.3/52/L.62.

54. **The Chairman** called for a vote on the draft resolution.

55. *A recorded vote was taken.*

In favour:

Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Zimbabwe.

Against:

Afghanistan, China, Cuba, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya,

Myanmar, Nigeria, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining:

Algeria, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Egypt, Fiji, Ghana, Guinea, Guinea-Bissau, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Malaysia, Maldives, Mauritania, Morocco, Mozambique, Nepal, Niger, Oman, Panama, Papua New Guinea, Philippines, Republic of Korea, Senegal, Sierra Leone, Singapore, Suriname, Swaziland, Thailand, Togo, Tunisia, Turkmenistan, United Arab Emirates, Zambia.

56. *Draft resolution A/C.3/52/L.62 was adopted by 91 votes to 15, with 43 abstentions.*

57. **Ms. Wahbi** (Sudan) said that her delegation wished to draw the attention of the Group of 77 and of the European Union to the reference in paragraphs 8 and 21 to the phrase "within existing resources", which related to a question that the Committee had long discussed and on which those two groups had taken a position.

Draft resolution A/C.3/52/L.71: The situation of human rights in Iraq

58. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.71, which contained no programme budget implications.

59. **Ms. Kirsch** (Luxembourg) said that Bulgaria and the United States of America had joined the sponsors of the draft resolution.

60. **Mrs. Al-Awadi** (Kuwait) said that her delegation, which had participated in the drafting of the text under consideration, was very troubled by the interim report of the Special Rapporteur on the situation of human rights in Iraq (A/52/476), which expressed concern that the situation had not improved. Massive human rights violations were continuing to occur in Iraq, which was not complying with its obligations under the international human rights covenants. Paragraph 3 (g) of the draft resolution should have mentioned the fact that Iraq was not cooperating with the Tripartite Commission and the Working Group on Enforced or Involuntary Disappearances concerning the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals victims of the illegal Iraqi occupation of Kuwait. Her delegation hoped that, in his report to the fifty-third session of the General Assembly, the Special Rapporteur would provide information on the situation regarding Iraq's cooperation with the Commission and the Working Group.

61. **Mr. Al-Humaimidi** (Iraq), speaking in explanation of vote before the voting, said that the draft resolution (A/C.3/52/L.71), like its predecessors, had nothing to do with human rights, but reflected the political agenda of certain hostile States. Iraq was well aware of its commitments under international human rights instruments, including its commitment to protect human rights within Iraq. Iraq was also cooperating unstintingly with the international humanitarian organizations working within its borders, including, particularly in matters relating to missing Kuwaitis, the Red Cross and the Tripartite Commission. Iraq had complied in full with all the essential requirements of the relevant Security Council resolutions, and was now waiting for the Council to meet its own commitments by lifting the sanctions.

62. Iraqi law safeguarded the human rights of all, including those accused of capital offenses, and prohibited torture. Freedom of thought and expression were positively encouraged in Iraq, although, to be sure, there were some restrictions on the publication of matter that would damage Iraq's relations with other States, and also on matter offensive to the country's prevailing religious and ethical values. The independence of the judiciary was guaranteed by the Constitution. Laws authorizing cruel punishments had long since been abrogated, as international human rights organizations were well aware.

63. Naturally, Iraq could not tolerate the stationing of human rights monitors within its territory, since, like other countries, it deemed that to be interference in its internal affairs.

64. With respect to the Kurds of the north, he recalled that the central Government did not effectively rule that part of the country; it was controlled by the military and security forces of the United States and the United Kingdom. Any forced displacement of persons going on there was the work of armed Kurdish groups or the result of incursions from neighbouring States. The way to peace and security was to return control of the region to the Iraqi central Government.

65. He emphasized that the "oil for food, medicines and basic needs" formula was only temporary. Even so, the United States and the United Kingdom were trying to put obstacles in the way of its implementation, with adverse results for the Iraqi people: as of the end of October 1997, only 25 per cent of the approved medical supplies had been received, and none of the supplies relating to the fields of agriculture, education, sanitation or electrical power supply.

66. The draft resolution was unbalanced in that it ignored Iraq's progress in democracy, including elections at various levels, and human rights. It was a political document, a slur on Iraq, and he urged the Committee to reject it.

67. **The Chairman** invited the Committee to vote on draft resolution A/C.3/52/L.71.

68. *A recorded vote was taken.*

In favour:

Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Niger, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia.

Against:

Libyan Arab Jamahiriya, Sudan.

Abstaining:

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Fiji, Ghana, Guinea, Guinea-Bissau, Haiti, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Liberia, Malaysia, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Pakistan, Panama, Papua New Guinea, Philippines, Sierra Leone, Singapore, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zimbabwe.

69. *Draft resolution A/C.3/52/L.71 was adopted by 94 votes to 2, with 51 abstentions.*

70. **Mr. Oda** (Egypt), said that his Government was committed to the full respect for human rights and fundamental freedoms all over the world. It had abstained in the vote on the draft resolution out of concern about a trend toward the use of double standards and other new criteria that had not been agreed upon by the Commission on Human Rights. The Committee had begun to address issues that were not within its mandate. His delegation was firmly opposed to the deployment of human rights observers in Iraq since it believed that no decision whatsoever should be taken until Iraq had been consulted on the matter. Moreover, Egypt rejected any interference in the internal affairs of States and was opposed to any measures likely to undermine the unity and territorial integrity of Iraq.

71. **Mr. Al-Hariri** (Syrian Arab Republic) said that his delegation had abstained in the vote on the draft resolution. It rejected in particular paragraph 3 (h), which was a blatant attempt to undermine the unity and territorial integrity of Iraq by splitting it up into minority populations: it therefore rejected any measures and previous declarations on the establishment of security zones in northern Iraq. The draft resolution had failed to mention the occupation by Turkey of vast areas of northern Iraq. Moreover, the deployment of human rights observers in Iraq constituted a further interference in its internal affairs and ran counter to the principles of the Charter of the United Nations.

Draft resolution A/C.3/52/L.72: The situation of human rights in the Islamic Republic of Iran

72. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.72, which had no programme budget implications. He announced that the delegations of Costa Rica, Lithuania and the Marshall Islands had also become sponsors of the draft resolution.

73. **Ms. Kirsch** (Luxembourg) said that the delegation of Bulgaria had joined the sponsors of the draft resolution.

74. **Mr. Alaei** (Islamic Republic of Iran) said his delegation had noted over the years that resolutions on the Islamic Republic of Iran had ulterior motives, and were devoid of any sense of cooperation, objectivity and good faith. The draft resolution was clearly designed to create the impression that the human rights situation in his country had deteriorated to such an extent that it must continue to be subject to international scrutiny. The authors had turned a blind eye to the realities in Iran and had magnified and distorted the actual situation. Had they brought the text into line with those realities, they would have had to recognize

a number of positive developments, which had been noted by the Special Rapporteurs.

75. The situation of women had improved considerably and they had been integrated into all aspects of public life, including the new government. Freedom of expression had been expanded, with the publication of hundreds of newspapers and periodicals covering a wide range of issues, and sparking vigorous debate. The massive participation of the Iranian people in the presidential elections demonstrated how much democracy had advanced. The whole world had praised those elections and it was curious that the sponsors of the draft resolution seemed to be totally unaware of them. He called on all delegations to vote against the draft resolution.

76. **Mr. Oda** (Egypt), speaking in explanation of vote before the vote, said that human rights should not be used to bring pressure to bear on certain countries or as a pretext for interfering in their internal affairs. Furthermore, in addressing issues relating to human rights, double standards should be eschewed and cultural diversity should be respected. His delegation fully supported the sovereign rights of States to enact national legislation in accordance with their cultural values.

77. His delegation would abstain in the vote on the draft resolution. Had paragraph 4 been voted on separately, Egypt would have voted against it. There was no international consensus on abolishing the death penalty, which was accepted in many legal systems, including Koranic law. Furthermore, capital punishment was recognized by the International Covenant on Civil and Political Rights; his delegation rejected any attempt to undermine its legal system.

78. **Mrs. Mesdoua** (Algeria), speaking in explanation of vote before the vote, said that she wished to explain her delegation's position with regard to paragraph 3 of the draft resolution. The disrespectful manner in which Mr. Salman Rushdie had referred to the sacred symbols of Islam had caused deep offence to millions of Muslims throughout the world. While freedom of expression and, in particular, artistic freedom were prerequisites for the flowering of human civilization and the enrichment of the global cultural heritage, those freedoms should not preclude respect for the beliefs of others and must be exercised without inciting intolerance or division. With regard to the death threat against Mr. Rushdie, her delegation condemned terrorism in all its forms since it violated the most sacred right of all, the right to life, a concept inherent in the teachings of Islam.

79. **Mr. Saleh** (Bahrain) expressed reservations with respect to paragraph 4 (g), which was not in line with Islamic law or with his country's domestic legislation. Had it been voted separately, he would have voted against it.

80. **Mr. Al-Shamsi** (United Arab Emirates), supported by **Mr. Naber** (Jordan), **Mr. Ould Mohamed** (Mauritania), **Mr. Najem** (Lebanon), **Mr. Al-Hairi** (Qatar) and **Ms. Bennani** (Morocco), expressed reservations on paragraph 4 (g), which was not in accordance with either Islamic law or with the laws in force in their respective countries.

81. **Ms. Wong** (Singapore), speaking in explanation of vote before the vote, said that her delegation wished to express its concern about paragraph 4 (g), in which the Government of the Islamic Republic of Iran was called upon to ensure that capital punishment would not be imposed for apostasy or non-violent crimes. In certain cultures, the imposition of the death penalty was required under religious law, while certain non-violent crimes, such as drug trafficking and treason, were deemed to be of the utmost gravity. The Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran had urged only that that country should comply with the relevant provisions of the International Covenant on Civil and Political Rights; that Covenant explicitly allowed capital punishment for the most serious crimes, without specifying what constituted such a crime, as the draft resolution attempted to do.

82. Her delegation's knowledge of the facts of the human rights situation in the Islamic Republic of Iran was insufficient as a basis for a judgement, and it would therefore abstain in the voting.

83. **Ms. Wahbi** (Sudan) said that her delegation had always voted against resolutions concerning the human rights situation in the Islamic Republic of Iran, since it believed that they were politically motivated. Her delegation totally rejected paragraph 4 (g) not only because it was inconsistent with Islamic shariah, but also because there was not international consensus on capital punishment. Moreover, the General Assembly had already refused to consider resolutions on that issue.

84. **The Chairman** invited the Committee to vote on draft resolution A/C.3/52/L.72.

85. *A recorded vote was taken.*

In favour:

Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guyana, Haiti,

Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against:

Afghanistan, Armenia, Azerbaijan, Bangladesh, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Ghana, India, Indonesia, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Myanmar, Nigeria, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Sierra Leone, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining:

Albania, Angola, Bahrain, Belarus, Benin, Bhutan, Burkina Faso, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Cyprus, Egypt, Eritrea, Fiji, Guatemala, Guinea, Guinea-Bissau, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Mauritania, Mozambique, Namibia, Nepal, Nicaragua, Panama, Papua New Guinea, Republic of Korea, Republic of Moldova, Senegal, Singapore, South Africa, Suriname, Swaziland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

86. *Draft resolution A/C.3/52/L.72 was adopted by 68 votes to 27, with 49 abstentions.*

87. **Ms. Ito** (Japan) said that her country continued to have concerns about the human rights situation in the Islamic Republic of Iran, and had voted in favour of the draft resolution. While it had sponsored resolutions on the human rights situation in the Islamic Republic of Iran in the past, it had refrained from doing so at the current session because it shared the Special Rapporteur's view that Iran was now in a position to move forward in matters concerning the freedom and dignity of its citizens. Indeed, Japan would have liked the draft resolution to acknowledge the new developments that had occurred in the Islamic Republic of Iran since the election of the new President. It hoped that the Iranian Government would continue to move in the direction of greater individual freedom.

Draft resolution A/C.3/52/L.73: The situation of human rights in Cuba

88. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.73, which contained no programme budget implications.

89. **Mr. Reyes Rodriguez** (Cuba), speaking in explanation of vote before the vote, said the United States of America had once again made it necessary for the Committee to vote on a draft resolution that continued to uphold the hostile policy of successive administrations directed against the Cuban people. The United States was a country which proclaimed itself as the richest and most powerful of nations but, was unable to conceal the fact that it had built the most unjust and unequal society.

90. The sponsors of the draft resolution included the member States of the European Union, which sought to conceal manifestations of xenophobic intolerance and discrimination in their own countries. Among the co-sponsors were Uzbekistan and Israel, which did not hesitate to support a policy of genocide, in itself the most flagrant violation of human rights; Nicaragua, where 82 per cent of the population lived in poverty and 300,000 children were forced to work in the streets in order to survive; El Salvador, which could be expected to do better than tolerate impunity for those of its citizens responsible for thousands of murders and disappearances and to dismantle the mercenary and terrorist networks operating in its territory; and Honduras, a country that confined children together with adults in its prisons where the living conditions were so intolerable that riots of the inmates were common.

91. The countries of the third world that had sponsored the draft resolution sought to pass judgement on Cuba, a nation which never knew death squads or paramilitary groups and where in 37 years, there had been not a single case of disappeared or tortured persons or political assassinations.

92. Cuba would never accept the selective, discriminatory and unfair exercise outlined in the draft resolution and would never accept a Special Rapporteur. It would vote against draft resolution A/C.3/52/L.73.

93. **Mr. Zmeevski** (Russian Federation), speaking in explanation of vote before the vote, said that his delegation had always opposed the excessive politicization of human rights issues and could not support the draft resolution. Bilateral problems should be resolved at the bilateral level.

94. **The Chairman** called for a vote on draft resolution A/C.3/52/L.73.

95. *A recorded vote was taken.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan.

Against:

Angola, Belarus, China, Cuba, Democratic People's Republic of Korea, Ghana, India, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Namibia, Niger, Nigeria, South Africa, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Abstaining:

Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Cyprus, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kazakhstan, Kenya, Lebanon, Liberia, Malawi, Malaysia, Maldives, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Oman, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, Venezuela.

96. *Draft resolution A/C.3/52/L.73 was adopted by 60 votes to 23, with 64 abstentions.*

97. **Ms. Morgan** (Mexico) said that international cooperation in the area of human rights should be based on the principles of impartiality, non-selectivity and universality which had been reaffirmed in the Vienna Declaration and Programme of Action. Those elements constituted the necessary framework for considering human rights in Cuba. For those reasons, her delegation had abstained in the vote on the draft resolution.

98. **Mrs. Al-Awadi** (Kuwait), speaking in exercise of the right of reply, said that the records of the Tripartite Commission confirmed that Iraq was refusing to cooperate in settling the question of the whereabouts of Kuwaitis and third country nationals missing since the Gulf War. No progress whatsoever had been made on the three requests to Iraq for the return of those prisoners of war who were alive and of the remains of those deceased.

99. **Mr. Ayewah** (Nigeria) said that he hoped that the act of introducing draft resolution A/C.3/52/L.70 on the situation of human rights in Nigeria during his delegation's absence from the conference room was not a deliberate tactic.

100. His delegation considered the draft resolution to be most inopportune. The Special Rapporteur of the Commission on Human Rights on the situation of human rights in Nigeria had been appointed only in October and therefore had been unable to submit a report to the Committee. However, the Special Rapporteur was currently consulting with the Nigerian Government with a view to arranging an *in situ* visit. Moreover, the Secretary-General was engaged in dialogue with the Government regarding human rights and democratization, as stated in document A/52/688. While the General Assembly had decided in resolution 51/109 to consider the situation of human rights in Nigeria at the current sessions it would have been both logical and appropriate, given the ongoing talks and the absence of any report by the Special Rapporteur, to defer consideration until the fifty-third session. Instead, the sponsors had produced a draft resolution based on unsubstantiated allegations and fabrications, which failed to take account of the true facts, namely, that the process of democratization in Nigeria had already begun and would be completed on 1 October 1998. He hoped that the draft resolution would be withdrawn or, if it was not, that delegations would vote against it.

101. **The Chairman** pointed out that, although the draft had been introduced, no action had been taken on it.

The meeting rose at 1.35 p.m.